

REMARKS

The present Amendment includes:

- (1) A substitute sheet of Drawings wherein erroneous numeral -61- has been removed; and
- (2) A substitute page 18 wherein erroneous numeral --95- has been corrected to read --108--.

The Examiner is thanked for noting these informalities.

Each of Claims 1 - 3 is rejected in primary patent (5,42,803) to Kilgore, in combination with other patents; i.e., the Kilgore patent being essential to the ground of the rejection. However, each of said claims positively recite:

1. "A wall sconce"
2. "a wall mount; and
3. "means for mounting said wall mount on a wall".

Kilgore does not disclose a "wall sconce", nor a "wall mount", nor a "means for mounting said wall mount on a wall". Kilgore discloses a **window** candle; i.e., a candle to be seen through a window from the other side. A window candle is not a "sconce", and a window is not a wall. A wall is opaque and its purpose is to **divide** areas **from view** from each other. A window is the **opposite**; i.e., to be viewed therethrough. Similarly, none of the other cited patents discloses a "wall sconce", nor

any of the other positively recited structure cited above regarding a "wall mount", nor "means for mounting said wall mount on a wall".

It is well settled that **contrary** teachings, and disclosures of subject matter directed to the solutions of **other** problems, cannot be taken to constitute anticipation of positively claimed structure. Accordingly, the allowances of Claims 1 - 3 is in order and is respectfully requested.

With respect to Claim 2, it is noted that the Office Action objects to this claim as being unclear as to what "is intended by the recitation of" one battery comprises at least two batteries. However, upon rereading Claim 2 it will be noted that it recites: "wherein said **at least** one battery comprises at least two batteries-". Since "at least one" comprises one, **or a plurality** of batteries, the recitation is believed to be both correct and clear.

With respect to Claim 2 (And also new Claim 14) the patent to Yang has been noted. However, his **extremely complex** electronic circuitry is a power source for "electric vehicles" (Column 1, lines 17 - 18) and is totally non-analogous art. The problem solved by Applicant is that prior art **sconces** only produce a single light level, whereas, it is highly desirable

to have relatively bright light in a dining room or restaurant for the entrée and have a lower more relaxed light for coffee, dessert and after-dinner cordials. The Yang circuitry would be totally **inoperative** for the problem solved by Applicant such that it cannot be combined with other bits and pieces to constitute a valid rejection of novel **combination** claims.

Claims 4 - 8 directed to a **battery powered chandelier** have been rejected on the patents to Weber in view of Jensen. Yet Weber discloses a chandelier **hard wired** to a conventional **AC** outlet, and Jensen discloses the batteries as being in the **base** of a **table mounted** candle. There is clearly no teaching or suggestion of a battery operated chandelier of any type, much less a battery operated chandelier in which batteries are positioned in the body and/or arms and/or in a medallion mounted to a ceiling as expressly recited in each of Claims 4 - 8. With respect to the Aramaki patent, the embodiments of FIGS. 6 - 9 also relate to a chandelier which is hand wired to an AC outlet. The only reference to a battery (Col. 5, lines 23 - 24) relates to operating a **solenoid** for the **lift** apparatus used in the **road lamp** of FIGS. 2 -3. Here again, the electric power for the lamp is **AC**. Thus it is clear that this reference shows the **non-obviousness** of the present invention. That is, the Patentee recognized the possible use of a battery **for the control circuit of his lift**, but clearly not for

powering any light source, chandelier or otherwise. In addition, element 12 of Aramaki is a **casing**, not a "medallion" as this term is clearly known, and as shown and described by Applicant. Also, it certainly is not connected, nor **connectable** to a ceiling.

The problems, as fully stated in paragraph [02] of Applicant's Specification, are no where recognized in **any** of the cited patents, and clearly are not remotely solved thereby. Therefore, the piece-by-piece reconstruction of **parts** from **non-related** patents cannot anticipate the expressly recited structure forming the inventive **combination** of elements set forth in the claims as is well settled regarding combination of reference rejections. Accordingly, each of Claims 1 - 10 are believed to be clearly allowable and such action is respectfully requested.

In view of the complete lack of pertinent anticipatory teachings, it is regretfully necessary to present additional Claims 14 - 25. Each of these claims are allowable for the reasons set forth above, and in **addition**, it will be noted that:

1. Claim 14 more specifically recites the two **sets** of batteries.

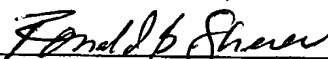
2. Claim 15 recites the translucent material comprising at least two portions.
3. Claims 16, 17, 19, 20 and 23 recite "higher and lower portions" of the upper end of the candle whereby both bright and diffused light may be obtained from the same sconce; each of such claims being of different scope of the invention.
4. Claims 17 recites means for **rotating** said candle whereby the diffused and non-diffused light may be **directed** as desired.
5. Claims 18 - 19 recite the **dual** wax and plastic composition of the candle.
6. Claims 21 recites the wall mount as being wood with a more reflective portion such as, for example, a mirror or polished brass thereby making the sconce substantially more realist of an antique sconce with a real wax candle.
7. Claim 22 recites a second cavity below the second cavity as shown in FIG. 6 for both replicating a realistic oil sconce and providing increased battery power.

Lastly, attention is called to new Claims 24 and 25 which recite a rechargeable battery and charger means. This is described in Applicant's Specification on pages 6, 12 and 13,

and is of substantial significance where the sconces are positioned high on the wall, or above other furniture so as to make access difficult to change batteries. And this is even more critical in the case of ceiling mounted chandeliers where access is extremely difficult. No recognition of this severe problem exists in the prior art, much less provides any solution.

For the foregoing reasons each of Claims 1 - 10 and 14 - 25 is earnestly believed to be clearly allowable and such action is respectfully submitted.

Respectfully submitted,



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